

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PATENT & TRADEMARK OFFICE  
P E JCS  
JAN 12 2004  
Applicants : J. Ponasik, et al.  
Serial No. : 09/776,984  
Filing Date : February 5, 2001  
For : CATALYST COMPOSITIONS  
FOR THE POLYMERIZATION OF  
OLEFINS  
Examiner : Roberto Rabago  
Art Unit : 1713

**DECLARATION OF SAMUEL B. ROLLINS**

1. I, Samuel B. Rollins, am a registered patent attorney and associate of Kilpatrick Stockton LLP, located in their Winston-Salem office at 1001 West Fourth Street, Winston-Salem, NC 27101.

2. No later than December 2002, I was primarily responsible for prosecuting U.S. utility application serial no. 09/776,984 ("the present application").

3. While I was responsible for prosecution of the present application, the correspondence address for the present application was Mr. Bernard Graves, 3500 One First Union Tower Center, 301 South College Street, Charlotte, NC 28202-6001.

4. In the normal course of business any correspondence from the Patent & Trademark Office ("PTO") sent to Kilpatrick Stockton's Charlotte, North Carolina office was and is forwarded to Kilpatrick Stockton's Winston-Salem office for docketing and routing to the attorney responsible for prosecution.

5. On December 2, 2003, I communicated with Ms. Pam Armfield of the PTO and learned that a communication sent to Mr. Graves at Kilpatrick Stockton's Charlotte office at 3500 One First Union Tower Center was returned to the PTO.

6. During the conversation on December 2, 2003 with Ms. Armfield, she did not describe the nature of the communication to me.

7. To expedite the receipt of the communication returned to the PTO, I filed on December 3, 2003 a Change of Correspondence Address for the present application changing the address to Mr. Charles W. Calkins, 1001 West Fourth Street, Winston-Salem, NC 27101.

8. Following the December 2, 2003 communication with Ms. Armfield, no communication was received at the updated address.

9. Believing that the returned communication was an Office Action Summary and Detailed Action, on December 23, 2003, I contacted Examiner Roberto Rabago to confirm that the correspondence address was changed and to determine when the communication from the PTO would be mailed to the updated address.

10. During the teleconference with Examiner Rabago, he indicated that the communication was not an Office Action Summary and Detailed Action as believed by the undersigned attorney. Examiner Rabago indicated that the communication was either a Notice of Allowance or a Notice of Abandonment for failure to pay the issue fee.

11. Prior to December 23, 2003, I was not aware of any evidence that a Notice of Allowance or a Notice of Abandonment was mailed from the PTO to Mr. Graves in Kilpatrick Stockton's Charlotte office at 3500 One First Union Center for the present application.

12. To the best of my knowledge and belief, no correspondence has been received from the PTO for the present application since the Office Action mailed December 5, 2002.

13. On December 26, 2003, I obtained a copy of the file history including the Notice of Allowance and the Notice of Abandonment by contracting with metroPatent, Inc. to copy the file in the PTO.

14. In the normal course of business, Kilpatrick Stockton maintains a docket for each patent application in which correspondence is sent to and received from the PTO.

15. Exhibit 1 is a true copy of a print out of Kilpatrick Stockton's docket for the present application.

16. The docket print out (Exhibit 1) has no indication of receipt of a Notice of Allowance from the PTO for the present application.

17. In the normal course of business, I maintain a list on the file jacket of items sent to and received from the PTO for the present application.

18. Exhibit 2 is a true copy of the file jacket for the present application.

19. The file jacket (Exhibit 2) has no indication of receipt of a Notice of Allowance from the PTO for the present application.

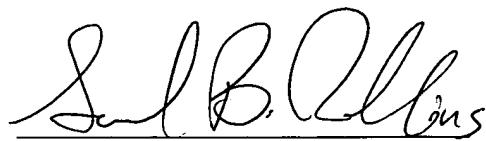
20. In the normal course of business, Kilpatrick Stockton maintains a Winston-Salem mail log of all items sent to and received from the PTO for all patent applications where the attorney responsible for prosecution is located in either the Winston-Salem or Charlotte office.

21. Exhibit 3 is a true copy of Kilpatrick Stockton's Winston-Salem mail log for all mail received from the PTO between the dates of April 30, 2003, and June 21, 2003.

22. The mail log (Exhibit 3) between the dates of April 30, 2003, and June 21, 2003 has no indication of receipt of a Notice of Allowance from the PTO for the present application.

Pursuant to and in accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 12 day of January 2004.

  
Samuel B. Rollins  
Reg. No. 52,180

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